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OFFICE OF PETITIONS

In re Application of	:	
CASEY	:	
Application No.: 09/973,975	:	DECISION ON PETITION
Filing Date: October 11, 2001	:	UNDER 37 CFR 1.137(B)
Attorney Docket No.: RWC 01065	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 19, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowability mailed September 7, 2006, which set a three month statutory period for response. Accordingly, by operation of law, the above-identified application became abandoned on December 8, 2006.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

The instant petition does not satisfy requirement (3) above. It is noted that only page 1 of the petition is present in the application file.

Applicant's request for a waiver of the petition fee is refused. The requirement for a reply to the Notice of Allowability has never been vacated in any official commutation mailed by the Office.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.



Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy